



Reprinted
February 26, 2002

ENGROSSED HOUSE BILL No. 1252

DIGEST OF HB 1252 (Updated February 25, 2002 4:46 PM - DI 104)

Citations Affected: IC 12-10; noncode.

Synopsis: Self-directed care services. Permits certain individuals who are not licensed health care professionals to provide health related services to individuals who need in-home care services. Provides a two year registration period for personal services attendants. Extends the self-directed care services expiration provision. Requires the division of disability, aging, and rehabilitative services to adopt payment and record keeping rules. (The introduced version of this bill was prepared by the health finance commission.)

Effective: Upon passage.

Becker, Budak, Brown C, Welch

(SENATE SPONSORS — LAWSON C, JOHNSON, SIMPSON, BREAUX)

January 14, 2002, read first time and referred to Committee on Public Health.
January 24, 2002, amended, reported — Do Pass.
January 28, 2002, read second time, ordered engrossed. Engrossed.
January 30, 2002, read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 1, 2002, read first time and referred to Committee on Health and Provider Services.
February 21, 2002, amended, reported favorably — Do Pass.
February 25, 2002, read second time, amended, ordered engrossed.

C
o
p
y

EH 1252—LS 6597/DI 77+



Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1252

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-10-17-5, AS ADDED BY P.L.255-2001,
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. As used in this chapter, "health related
4 services" means those medical activities that:

5 (1) in the **written** opinion of the attending physician, **submitted**
6 **to the case manager of the individual in need of self-directed**
7 **in-home care**, could be performed by the individual if the
8 individual were physically capable, and if the medical activity can
9 be safely performed in the home; ~~and~~

10 (2) **are performed by a person who has been trained or**
11 **instructed on the performance of the medical activities by an**
12 **individual in need of self-directed in-home care who is, in the**
13 **written opinion of the attending physician, submitted to the**
14 **case manager of the individual in need of self-directed**
15 **in-home care, capable of training or instructing the person**
16 **who will perform the medical activities; or**

17 (3) ~~the are performed by a person who performs the medical~~

EH 1252—LS 6597/DI 77+



C
o
p
y

activity has received training or instruction from a licensed health professional, within the professional's scope of practice, in how to properly perform the medical activity for the individual in need of self-directed services.

SECTION 2. IC 12-10-17-12, AS ADDED BY P.L.255-2001, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The division shall register an individual who provides the following:

(1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.

(2) The individual's limited criminal history check from the Indiana central repository for criminal history information under IC 5-2-5 or another source allowed by law.

(3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.

(4) Three (3) letters of reference.

(5) A registration fee. The division shall establish the amount of the registration fee.

(6) Proof that the individual is at least eighteen (18) years of age.

(7) Any other information required by the division.

(b) A registration is valid for ~~one (1) year~~ **two (2) years**. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division **and any organization designated under section 11 of this chapter** shall maintain a file for each personal services attendant that contains:

(1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and

(2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

(1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.

(2) A copy of the information of a specified personal services

C
o
p
y



1 attendant who is on file with the division under subsection (c).
 2 The division may charge a fee for shipping, handling, and copying
 3 expenses.

4 SECTION 3. IC 12-10-17-12.5 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE UPON PASSAGE]: **Sec. 12.5. The case manager of an**
 7 **individual in need of self-directed in-home care shall maintain an**
 8 **attending physician's written opinion submitted under section 5 of**
 9 **this chapter in a case file that is maintained for the individual by**
 10 **the case manager.**

11 SECTION 4. IC 12-10-17-21, AS ADDED BY P.L.255-2001,
 12 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 21. This chapter expires July 1, ~~2003~~: **2005.**

14 SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The definitions**
 15 **in IC 12-10-17 apply to this SECTION.**

16 **(b) Notwithstanding IC 12-10-17-15, an individual in need of**
 17 **in-home care who has hired a personal services attendant who has**
 18 **been approved by the division of disability, aging, and**
 19 **rehabilitative services shall hire a fiscal agent to provide payroll**
 20 **and bookkeeping services, including the following:**

21 (1) Assisting the individual in completing and submitting
 22 applications for state and federal employment tax
 23 identification numbers, unemployment insurance, and
 24 worker's compensation insurance.

25 (2) Processing payroll, including income tax withholdings,
 26 Social Security deductions under the Federal Insurance
 27 Contributions Act (FICA), worker's compensation, and
 28 wages.

29 (3) Disbursing checks to the personal services attendant and
 30 proper governmental agencies. The fiscal agent shall prepare
 31 a check for the fiscal agent's services that must be signed by
 32 the individual in need of in-home care.

33 (4) Preparing employer tax forms, including W-4 forms.

34 (5) Supplying weekly time slips to be used by the individual in
 35 need of in-home care.

36 (c) The fiscal agent must be a private accounting firm or a
 37 nonprofit corporation, association, or organization located in
 38 Indiana.

39 (d) The fiscal agent that is selected by the individual in need of
 40 in-home care shall register with the division of disability, aging,
 41 and rehabilitative services before providing bookkeeping services.

42 (e) Subject to IC 12-10-17-14(b), the individual in need of

C
o
p
y



1 in-home care shall deliver the personal services attendant's time
2 sheet to the fiscal agent.

3 (f) Subject to IC 12-10-17-14(b), the time sheet must be
4 certified:

5 (1) by the personal services attendant that the hours were
6 worked as recorded; and

7 (2) by the individual in need of in-home care that the services
8 were rendered as recorded and that the services were within
9 the limits of the authorized care plan.

10 (g) Before July 1, 2003, the division shall adopt rules under
11 IC 4-22-2 concerning:

12 (1) the method of payment to a personal services attendant
13 who provides authorized services under IC 12-10-17;

14 (2) the method of payment for the fiscal agent who provides
15 authorized services under IC 12-10-17; and

16 (3) record keeping requirements for personal attendant
17 services.

18 (h) This SECTION expires July 1, 2003.

19 SECTION 6. An emergency is declared for this act.

C
o
p
y



COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1252, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, after "physician" insert ":

(A)".

Page 1, line 9, after "activity" insert ";or

(B) the person who is legally responsible for making health related decisions for the individual with a disability;".

Page 1, line 9, beginning with "is" begin a new line block indented.

Page 2, line 26, after "division" insert "**and any organization designated under section 11 of this chapter**".

Page 2, delete lines 41 through 42, begin a new paragraph and insert:

"SECTION 3. IC 12-10-17-21, AS ADDED BY P.L.255-2001, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. This chapter expires July 1, ~~2003~~: **2007**.

SECTION 4. IC 16-25-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. If, in the opinion of the attending physician, a registered nurse who is employed by a hospice is capable of training or instructing individuals who will perform a specific medical activity, including activities that require the penetration of the skin or body orifice, and the nurse:**

- (1) has trained and instructed an individual in the performance of the medical activity; and**
- (2) has delegated the performance of the medical activity to the individual;**

the individual may perform that medical activity for patients of the hospice while the individual is employed by the hospice.

SECTION 5. IC 16-27-1-17 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. If, in the opinion of the attending physician, a registered nurse who is employed by a home health agency is capable of training or instructing individuals who will perform a specific medical activity, including activities that require the penetration of the skin or body orifice, and the nurse:**

- (1) has trained and instructed an individual in the performance of the medical activity; and**
- (2) has delegated the performance of the medical activity to the individual;**

EH 1252—LS 6597/DI 77+



C
o
p
y

the individual may perform that medical activity for patients of the home health agency while the individual is employed by the home health agency."

Page 3, line 42, delete "and".

Page 3, after line 42, begin a new line block indented and insert:

"(2) the method of payment for the fiscal agent who provides authorized services under IC 12-10-17; and"

Page 4, line 1, delete "(2)" and insert **"(3)"**.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1252 as introduced.)

BROWN C, Chair

Committee Vote: yeas 12, nays 0.

C
o
p
y



SENATE MOTION

Mr. President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1252.

LAWSON C

C
o
p
y



COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1252, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, before "opinion" insert **"written"**.

Page 1, line 5, after "physician," insert **"submitted to the case manager of the individual in need of self-directed in-home care,"**.

Page 1, delete lines 8 through 15, begin a new line block indented and insert:

"(2) are performed by a person who has been trained or instructed on the performance of the medical activities by an individual in need of self-directed in-home care who is, in the written opinion of the attending physician, submitted to the case manager of the individual in need of self-directed in-home care, capable of training or instructing the person who will perform the medical activities; or".

Page 1, line 16, before "person" strike "the" and insert **"are performed by a"**.

Page 1, line 16, strike "performs the medical activity".

Page 3, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 3. IC 12-10-17-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.5. The case manager of an individual in need of self-directed in-home care shall maintain an attending physician's written opinion submitted under section 5 of this chapter in a case file that is maintained for the individual by the case manager."

Page 3, line 5, delete "2007" and insert **"2005"**.

Page 3, line 8, delete "If, in the opinion of the attending" and insert **"(a) A registered nurse who is employed by a hospice may, if ordered by a hospice program patient's attending physician, train a certified home health aide who is employed by the hospice to perform a medical activity, including a medical activity that requires penetration of the skin or a body orifice, for the hospice program patient."**

(b) A certified home health aide who has:

- (1) received the training specified under subsection (a); and**
- (2) been determined by the registered nurse specified under subsection (a) to be competent to perform the medical activity for the hospice program patient;**



C
o
p
y

may perform the medical activity for the hospice program patient."

Page 3, delete lines 9 through 18.

Page 3, line 21, delete "If, in the opinion of the attending" and insert **"(a) A registered nurse who is employed by a home health agency may, if ordered by a patient's attending physician, train a certified home health aide who is employed by the home health agency to perform a medical activity, including a medical activity that requires penetration of the skin or a body orifice, for the patient.**

(b) A certified home health aide who has:

- (1) received the training specified under subsection (a); and**
- (2) been determined by the registered nurse specified under subsection (a) to be competent to perform the medical activity for the patient;**

may perform the medical activity for the patient."

Page 3, delete lines 22 through 32.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1252 as printed January 25, 2002.)

MILLER, Chairperson

Committee Vote: Yeas 6, Nays 0.

C
o
p
y



SENATE MOTION

Mr. President: I move that Engrossed House Bill 1252 be amended to read as follows:

Page 3, delete lines 14 through 41.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1252 as printed February 22, 2002.)

LAWSON C

C
o
p
y

